

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

GREGORY McNEILL and WILMA  
ARMER, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

OPENMARKET, INC., a Michigan  
corporation, SPRINT SPECTRUM, L.P., a  
Delaware limited partnership, NEXTEL  
WEST CORPORATION, a Delaware  
corporation,

Defendants.

SPRINT SPECTRUM, L.P. a Delaware  
limited partnership, and NEXTEL WEST  
CORP., a Delaware corporation,

Cross-Claimants,

v.

OPENMARKET, INC., a Michigan  
corporation,

Cross-Defendant.

NO. 08-CV-01731-RSL

JOINT MOTION TO DISMISS  
CROSS-CLAIMS

NOTE ON MOTION CALENDAR:  
September 8, 2010

Sprint Spectrum, L.P. and Nextel West Corp. (collectively, "Sprint") and OpenMarket,  
Inc. ("OM"), by their respective undersigned counsel, hereby jointly move to dismiss with

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prejudice the cross-claims they have filed against each other in this matter. In support thereof, Sprint and OM state as follows:

1. Sprint filed a Cross-Claim and an Amended Cross-Claim against OM (Dkt. Nos. 29 and 47), and OM filed a Cross-Claim and an Amended Cross-Claim against Sprint (Dkt. Nos. 38 and 49).
2. This Court entered several Orders with respect to the cross-claims filed by Sprint and OM against each other, including Dkt. Nos. 76, 77, 88, and 107.
3. As a result of the noted Orders entered by this Court, and the negotiations that then ensued between the parties, Sprint and OM have settled matters between them and now ask the Court to dismiss with prejudice their cross-claims against each other.

WHEREFORE, Sprint Spectrum, L.P. and Nextel West Corp. and OpenMarket, Inc. respectfully and jointly ask this Honorable Court to dismiss with prejudice the cross-claims and amended cross-claims filed against each other (Dkt. Nos. 29, 38, 47, and 49) and for all other and further relief deemed appropriate by the Court.

DATED this 8th day of September, 2010.

**SPRINT SPECTRUM L.P. AND  
NEXTEL WEST CORP**

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**OPENMARKET, INC.**

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(signed with permission of attorney)

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**SPRINT SPECTRUM L.P. AND  
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s/ Frederic R. Klein

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**OPENMARKET, INC.**

s/ Jeffrey M. Thomas

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**CERTIFICATE OF SERVICE**

On September 8, 2010, I electronically filed the foregoing JOINT MOTION TO DISMISS CROSS-CLAIMS with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorneys of record:

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I certify under penalty of perjury that the foregoing is true and correct.

DATED this 8th day of September, 2010.

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